

REGULAR CITY COUNCIL MEETING  
MAY 11, 1992

PRESENT

Don Dafoe	Mayor
Gayle Bunker	Council Member
Alan Burraston	Council Member
Robert Dekker	Council Member
Robert Droubay	Council Member
Rex Harris	Council Member

ABSENT

None

OTHERS PRESENT

Dorothy Jeffery	City Recorder
Richard Waddingham	City Attorney
Public Works Director	Neil Forster
Russell Kennedy	Youth City Council
Elaine Hales	Youth City Council
Rosa Lazaro	Youth City Council
Trish Petersen	Youth City Council
Ron Warren	Youth City Council
Emily Draper	Youth City Council
Virginia Taylor	Deputy City Recorder
Rita Byrd	Public Works Secretary
Brent Spencer	Jack B. Kelly
Bill Dotson	Jack B. Kelly
Glen Swalberg	Chamber of Commerce
Zelma Lazaro	City Resident
Angel Lazaro	City Resident
Gary Church	Planning Commission Chairman
Vincent Crawford	Chamber of Commerce
Shawna Reynolds	Youth City Council
Sherida Kennedy	City Resident
Dianne Hales	Youth City Council

Mayor Dafoe called the meeting to order at 7:00 p.m. Virginia Taylor, Deputy City Recorder, acted as secretary. Mayor Dafoe stated that notice of the meeting time, place and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, and to each member of the City Council by personal delivery two days prior to the meeting.

Council Member Gayle Bunker offered an invocation, after which Mayor Dafoe led the Council in the Pledge of Allegiance.

### MINUTES

The proposed minutes of a Regular City Council Meeting held April 13, 1992, were presented for consideration and approval. The Council reviewed the minutes briefly and proposed corrections. Council Member Robert Droubay MOVED that the minutes be approved as corrected. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

### ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Robert Dekker MOVED that the accounts payable be approved for payment as listed in the amount of \$72,138.78. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

### UNFINISHED BUSINESS

#### ATTORNEY RICHARD WADDINGHAM: DELTA CITY PERSONNEL POLICY

Mayor Dafoe asked Attorney Richard Waddingham to present drafts of the Delta City Personnel Policy.

Attorney Waddingham presented and reviewed drafts of the following sections of the Delta City Personnel Policy entitled:

#### EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

#### EMPLOYMENT OF RELATIVES PROHIBITED

#### EMPLOYMENT STATUS

#### ANNUAL LEAVE

Following brief discussion, Council Member Bunker MOVED to table final adoption of the Delta City Personnel Policy until a future date. Council Member Robert Droubay SECONDED the motion. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a motion. The motion passed unanimously.

#### MAYOR DON DAFOE: 150 EAST UPGRADE FROM MAIN STREET TO 200 NORTH STREET

Mayor Dafoe discussed 150 East Street upgrade from Main Street to

200 North. Mayor Dafoe explained that this upgrade is needed due to the closure of 100 East Street for construction of a new Delta North Elementary School.

Discussion was held among the Council Members regarding a proposal for the Millard School District to be responsible for the following detail:

1. Installation of curb and an eight foot wide sidewalk on the west side of 150 East Street from Main Street to 200 North.
2. 33 foot asphalt street from curb to curb on 150 East Street from Main Street to 200 North.
3. Loop and connect existing 4" cast iron water line with the 6" water line on 100 North.
4. Replacement and repair of sewer line underneath the building.

Delta City will be responsible for the following detail:

1. Installation of curb on the east side of 150 East Street from Main Street to 200 North.
2. Acquisition of sidewalk easements on the west side of 150 East Street from Main Street to 200 North.
3. Cleaning sewer line underneath the building.

Following discussion, Council Member Gayle Bunker MOVED that for the upgrade of 150 East Street that Millard School District be responsible for the above mentioned details. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Following further discussion, Council Member Gayle Bunker recommended that a previous motion closing 100 East Street from 100 East to the north side of Alfred Lake's property be amended to that of closing 100 East Street from 100 East to the north side of Delta Drug property.

#### NEW BUSINESS

#### GLEN SWALBERG, CHAMBER OF COMMERCE: DELTA CITY ADVERTISEMENT BROCHURE

Mayor Dafoe asked Glen Swalberg, Chamber of Commerce, to present a proposal for a Delta City Advertisement Brochure.

Glen Swalberg and Vincent Crawford addressed the City Council and explained that the Chamber of Commerce makes available throughout Millard County a brochure entitled "Discovering Millard County And Areas Nearby".

Mr. Swalberg explained that the Chamber of Commerce would like to update their publication and presented various options available. Mr. Swalberg then asked the City Council for their preference regarding the options presented. He also asked the City Council to consider a contribution toward publication costs.

Following discussion, Council Member Gayle Bunker MOVED to approve an expenditure of \$500 to the Delta Area Chamber of Commerce for participation in a full-color brochure in the size of the Chamber's choice. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

CHAIRMAN GARY CHURCH, PLANNING & ZONING COMMISSION: RECOMMENDATION  
FOR REINSTATEMENT OF MORATORIUM ON ABOVE GROUND STORAGE TANKS

Mayor Dafoe asked Planning Commission Chairman Gary Church to present a recommendation for reinstatement of a moratorium on above ground storage tanks.

Chairman Church presented the following recommendation from the Planning Commission:

PLANNING AND ZONING COMMISSION  
CITY OF DELTA, UTAH

TO: Mayor Dafoe and City Council Members  
FROM: Planning & Zoning Commission  
DATE: May 11, 1992  
RE: Above Ground Storage Tanks

In a Regular Planning Commission Meeting held April 22, 1992, the Planning Commission considered a proposal from Zoning Officer Neil Forster regarding a request to amend Delta City Zoning Ordinances Regarding Above Ground Storage Tanks. Mr. Forster's proposal stated the following:

"The Delta City zoning official, fire chief and building inspector have made an evaluation regarding the adequacy of the current Delta City Zoning Ordinance regulating above ground storage tanks, as such ordinances relate to the health, safety and general welfare of the City and its residents.

The Delta City zoning official, together with the fire chief and building inspector have determined that Delta City's current zoning ordinances regulating the placement, installation and location of tanks for storage of flammable or combustible liquids or fuels are inadequate to guard against the potential hazards such fuels may create by escaping or leaking from such storage tanks and thereby damaging property or jeopardizing existing water supplies or systems within Delta City. The Delta City zoning official has also determined that allowing such above ground tanks without regulation would seriously affect the aesthetic values in those zones in which above ground tanks are presently permitted.

The Delta City Zoning Officer "requests that the Delta City Planning Commission consider a proposal to amend Title 12-911 (Supplemental Regulations) of the Delta City Zoning Ordinances to provide for the regulation of above ground tanks for the storage of flammable or combustible fuels or liquids.

On February 25, 1991, the City Council adopted Ordinance No. 91-131 that provided an amendment to the Zoning Ordinance of Delta, Utah by adding additional provision to Section 12-911 that states the following:

12-911.D. It shall be unlawful to construct, place or install above-ground tanks exceeding 500 gallons in capacity, for the storage of flammable or combustible fuels or liquids, in any zone within Delta City, without first obtaining a conditional use permit from the Delta City Planning and Zoning Commission and approval from the Delta City Council.

The aforementioned amendment to the Delta City Zoning Ordinance was an interim measure effective throughout the municipality for a period not to exceed six months.

The Planning Commission has reviewed and discussed Mr. Forster's proposal; therefore, it is the Planning Commission's recommendation that an interim measure be reinstated on the placement or installation of all above-ground tanks exceeding 500 gallons in capacity until a final ordinance governing the regulation of above-ground storage tanks is implemented to replace Ordinance No. 91-131.

It is also the Planning Commission's recommendation that the Delta City Zoning Ordinance, Section 12-911, be amended to include the "Regulation of Above-ground Storage Tanks" and that a Public Hearing be scheduled to receive public comment regarding an amendment to the Delta City Zoning Ordinance.

GARY CHURCH, Chairman

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Following review of the Planning Commission's recommendation, Attorney Richard Waddingham presented the following proposed ordinance entitled:

**ORDINANCE NO. 92-145**

**AN ORDINANCE RATIFYING SECTION 12-911.D. OF REVISED ORDINANCES OF DELTA CITY, REGULATING ABOVE-GROUND TANKS.**

Attorney Waddingham explained that the proposed ordinance ratified Section 12-911.D. of the Revised Ordinances of Delta City. Section 12-911.D. of the Revised Ordinances of Delta City, as amended by Ordinance 91-131 shall remain in full force and effect pending the adoption of a final ordinance regulating the construction, placement and installation of above-ground storage tanks in Delta, Utah; said ordinance reads in its entirety as follows:

12-911.D. It shall be unlawful to construct, place or install above-ground tanks exceeding 500 gallons in capacity, for the storage of flammable or combustible fuels or liquids, in any zone within Delta City, without first obtaining a conditional use permit from the Delta City Planning and Zoning Commission and approval from the Delta City Council.

Following discussion, Council Member Robert Dekker MOVED to adopt Ordinance No. 92-145 as presented. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or question regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Gayle Bunker	Yes
Council Member Alan Burraston	Yes
Council Member Robert Dekker	Yes
Council Member Robert Droubay	Yes
Council Member Rex Harris	Yes

Mayor Dafoe then signed the ordinance and it was attested by Deputy City Recorder Virginia Taylor.

**CHAIRMAN GARY CHURCH, PLANNING & ZONING COMMISSION: RECOMMENDATION TO AMEND DELTA CITY ZONING ORDINANCE RE: ABOVE GROUND STORAGE TANKS**

Mayor Dafoe asked Planning Commission Chairman Gary Church to present a recommendation to amend a Delta City Ordinance regarding Above Ground Storage Tanks.

In reference to the previous agenda item, Mr. Church reported that it is also the Planning Commission's recommendation that the following ordinance be amended to include the "Regulation of Above-ground Storage Tanks":

## ORDINANCE NO. 92-

AN ORDINANCE REPEALING SECTION 12-911 OF THE DELTA CITY  
ZONING ORDINANCE.

Discussion was held regarding vaulting requirements for above ground storage tanks. Attorney Waddingham said that vaulting requirements do not apply when types of storage tanks are that of concrete incased steel.

Mr. Church said that it is the Planning Commission's recommendation that the language in the proposed ordinance be changed to cover any kind of containment such as a concrete incased steel storage tanks.

CHAIRMAN GARY CHURCH, PLANNING & ZONING COMMISSION: RECOMMENDATION  
TO SET PUBLIC HEARING DATE TO RECEIVE PUBLIC COMMENT REGARDING AN  
AMENDMENT TO THE DELTA CITY ZONING ORDINANCE RE: ABOVE GROUND  
STORAGE TANKS

Mayor Dafoe asked Planning Commission Chairman Gary Church to present a recommendation to set a public hearing date regarding an above ground storage tank ordinance.

In reference to the previous Planning Commission recommendation, Mr. Church said that the Planning Commission has recommended that a public hearing be scheduled for the purpose of receiving public comment regarding an amendment to the Delta City Zoning Ordinance that would include the "Regulation of Above-ground Storage Tanks".

Following discussion, Council Member Robert Droubay MOVED to schedule a public hearing on Monday June 22, 1992, at 6:00 p.m. The motion was SECONDED by Council Member Alan Burraston. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

BRENT SPENCER/BILL DOTSON, JACK B. KELLY: ABOVE GROUND STORAGE  
TANKS

Mayor Dafoe asked Brent Spencer and Bill Dotson, Jack B. Kelly Co. to address the City Council regarding Above Ground Storage Tanks.

Mr. Spencer and Mr. Dotson addressed the City Council and asked for clarification on the preceding action. They said they would wait for an ordinance to be adopted regulating above ground storage tanks.

Mr. Dotson then explained that it is his understanding that the City owns a 33 foot strip of property that goes through the center of Jack B. Kelly Co.'s property. He asked the City Council to consider deeding that property to Jack B. Kelly Co. This item will be further addressed at the next Regular City Council Meeting.

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MAYOR DON DAFOE: ACCEPTANCE OF CITY TREASURER'S RESIGNATION

Mayor Dafoe presented the following letter received from City Treasurer H. Doyle Bender dated April 16, 1992:

To: Mayor Don Dafoe

Herewith, I, H. Doyle Bender, resign the position of Treasurer for Delta City as of this date.

Per our conversation there will be paid to me the unused vacation time, one month's pay for separation pay and the City will continue my and my family's health insurance coverage until June 30, 1992.

I request that for tax purposes, to have these unpaid items paid on the payroll for April 16-30th and May 1-15th if possible, with a break down of same.

s/H. Doyle Bender

Following brief discussion, Council Member Gayle Bunker MOVED to accept H. Doyle Bender's resignation as Delta City Treasurer effective April 16, 1992. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

CITY RECORDER DOROTHY JEFFERY: SWEARING IN OF DELTA CITY YOUTH CITY COUNCIL

Mayor Dafoe asked City Recorder Dorothy Jeffery to present the Delta City Youth City Council for FY 1992-1993.

City Recorder Dorothy Jeffery introduced the following 1992-1993 Delta City Youth Council Members:

Russell Kennedy	Mayor
Windy Pratt	Recorder
Rosa Lazaro	Attorney
Elaine Hales	Council Member
Ron Warren	Council Member
Trish Petersen	Council Member
Emily Draper	Council Member

City Recorder Dorothy Jeffery then administered the Oath of Office to the Delta City Youth City Council.



RUSSELL KENNEDY, DCYCC MAYOR: DELTA CITY YOUTH CITY COUNCIL CHARTER

Mayor Dafoe asked Youth City Council Mayor Russell Kennedy to address the City Council.

Russell Kennedy said that the Youth Council is preparing amendments to the Delta City Youth City Council Charter. However, he said that the amendments are not yet ready for approval and requested that this item be tabled until the next Regular City Council Meeting.

Council Member Robert Droubay MOVED to table adoption of the Youth City Council Charter until the next Regular City Council Meeting. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE: TENTATIVE BUDGET FOR FY 1992-1993

Mayor Dafoe reviewed with the City Council the proposed Tentative Budget for FY 1992-1993 of each department within Delta City.

Following review of the proposed tentative budget, Attorney Richard Waddingham recommended that, due to the resignation of the Delta City Treasurer and the unknown state of Delta City's finances, a complete audit be conducted. He explained that a complete audit should be conducted not only for the purpose of knowing correct account balances but also for the protection of the new City Treasurer that is to be hired.

The Council Members agreed that an audit should be conducted; however, funding and timing were their concerns.

Following further discussion, Council Member Gayle Bunker MOVED to adopt a Tentative Budget for FY 1992-1993 in the amount of \$1,628,017. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE: SET PUBLIC HEARING DATE TO CONSIDER ADOPTION OF FINAL BUDGET FOR FY 1992-93

Mayor Dafoe recommended that a Public Hearing be scheduled to receive public comment regarding the tentatively adopted budget for FY 1992-1993.

Council Member Robert Droubay MOVED to schedule a Public Hearing for Monday, June 22, 1992 at 6:30 p.m. for the purpose of receiving public comment regarding the tentatively adopted budget for FY

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1992-1993. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

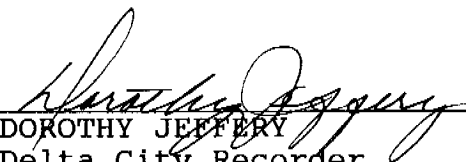
OTHER BUSINESS

Council Member Robert Droubay said that he has been asked by Millard County Officials if Delta City would participate in ground preparation, field marking and general upkeep and maintenance of the Neighborhood Park ball field.

Discussion was held regarding Delta City's lack of manpower to keep up with the seasonal park work. However, Public Works Director Neil Forster said he would consider the additional work load for his seasonal employee.

Mayor Dafoe asked if there were any comments, questions or items to be discussed. There being none, Council Member Robert Droubay MOVED to adjourn. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously. Mayor Dafoe declared the meeting adjourned at 9:40 p.m.

  
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DON DAFOE, Mayor

  
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DOROTHY JEFFERY  
Delta City Recorder

MINUTES APPROVED: SCCM 7-13-92